

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GARY C. and GALE B. WARREN,
and TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,

Defendant.

C.A. No. 07-725 LPS

**NEW CASTLE COUNTY'S MOTION TO
DISMISS PLAINTIFFS' COMPLAINT**

Defendant New Castle County ("County") hereby moves to dismiss the complaint filed by Gary C. Warren, Gail B. Warren, and Toll Bros., Inc. pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(b)(7). The grounds for the motion are more fully set forth in the County's brief in support of the motion, filed herewith.

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Dated: January 4, 2008

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NEW CASTLE COUNTY,

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**(PROPOSED) ORDER ON NEW CASTLE COUNTY'S
MOTION TO DISMISS**

AND NOW, TO WIT, on this _____, day of _____, 2008, having heard and considered defendant New Castle County's ("County") motion to dismiss and supporting arguments, and plaintiffs Gary C. Warren, Gail B. Warren, and Toll Bros. Inc.'s (collectively "Toll") reply thereto, the County's motion is GRANTED in its entirety and Toll's complaint is hereby DISMISSED WITH PREJUDICE.

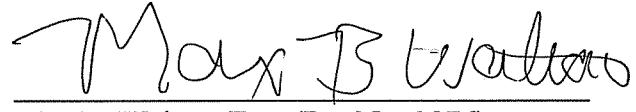
IT IS SO ORDERED.

The Honorable Leonard P. Stark U.S.M.J.

CERTIFICATE OF SERVICE

I certify that on January 4, 2008, I electronically served the NEW CASTLE COUNTY'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT and the PROPOSED ORDER by CM/ECF to counsel of record as follows:

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